

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

|                    |   |                            |
|--------------------|---|----------------------------|
| TIMOTHY RAINEY     | § |                            |
| v.                 | § | CIVIL ACTION NO. 6:12cv324 |
| DIRECTOR, TDCJ-CID | § |                            |
| and                |   |                            |
| TIMOTHY RAINEY     | § |                            |
| v.                 | § | CIVIL ACTION NO. 6:12cv325 |
| DIRECTOR, TDCJ-CID | § |                            |
| and                |   |                            |
| TIMOTHY RAINEY     | § |                            |
| v.                 | § | CIVIL ACTION NO. 6:12cv326 |
| DIRECTOR, TDCJ-CID | § |                            |

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ORDER OF CONSOLIDATION

The Petitioner Timothy Rainey, proceeding *pro se*, filed these three habeas corpus applications under 28 U.S.C. §2254 complaining of the legality of his confinement. This Court ordered that the cases be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Rainey appears to be challenging one or more convictions from the 7th Judicial District Court in Smith County, Texas, for which he is serving a 30-year sentence. On May 23, 2012, the Magistrate Judge issued a Report recommending that the cases be consolidated into one case and

heard together. *See* Rule 42(a), Fed. R. Civ. P.; Rule 2(e), Rules Governing Section 2254 Petitions in the United States District Courts.

Rainey did not file objections to this Report; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 5) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil actions be and hereby are CONSOLIDATED for all purposes into one application for the writ of habeas corpus, styled as Rainey v. Director, TDCJ-CID, civil action no. 6:12cv324. *See* Rule 42(a), Fed. R. Civ. P. Any pleadings or documents received in any of these consolidated cases shall be docketed in cause no. 6:12cv324. It is further

ORDERED that the applications for leave to proceed *in forma pauperis* which were received in cause no.'s 6:12cv325 (docket no. 6) and cause no. 6:12cv326 (docket no. 6) are DENIED as moot, by reason of the payment of the filing fee in cause no. 6:12cv324. No other filing fees shall be required by the district court in this case. Finally, it is

ORDERED that after this order, no further entries shall be made on the dockets of cause no.'s 6:12cv325 and 6:12cv326. This order of consolidation shall not affect the substantive rights of any party to this case.

**It is SO ORDERED.**

**SIGNED this 21st day of June, 2012.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE